

Grayson County Board of Supervisors  
Special Called Meeting  
January 4<sup>th</sup>, 2013

Members attending were: David M. Sexton, Brenda Sutherland, Mike Maynard, Kenneth R. Belton and John K. Brewer.

IN RE: CALL TO ORDER

The meeting was called to order by Jonathan D. Sweet, County Administrator.

IN RE: ELECTION OF OFFICERS

David M. Sexton nominated Mike Maynard for Chair; duly seconded by John K. Brewer. David M. Sexton made the motion to close nominations for Chair; Mike Maynard as Chair by acclamation; duly seconded by John K. Brewer.

Brenda Sutherland nominated Kenneth R. Belton for Vice-Chair; duly seconded by David M. Sexton. John K. Brewer moved by acclamation; duly seconded by David M. Sexton.

Brenda Sutherland nominated Mitch Smith as Deputy Clerk; duly seconded by Kenneth R. Belton. No other nominations; Mitch Smith, Deputy Clerk, by acclamation.

IN RE: APPROVAL OF AGENDA

Brenda Sutherland made the motion to approve the revised agenda which included the removal of the TROF Performance Agreement for Independence Lumber, Inc. from the agenda; duly seconded by John K. Brewer. Motion carried 5-0.

IN RE: OLD BUSINESS – BZA APPOINTMENTS

Kenneth R. Belton recommended Gary Ballard and Tony Goodman to fill Board of Zoning Appeals vacancies. Kenneth R. Belton made the motion; duly seconded by David M. Sexton. Motion carried 5-0.

IN RE: RULES OF PROCEDURE

David M. Sexton made the motion to approve the Grayson County Board of Supervisors 2013 Rules of Procedure listed below including a change to Article VI – Order of Business, Section 6.5 County Administrator’s Report by changing the time *from* 5:30 p.m. to 7:00 p.m. *to* 7:15 p.m. to 8:15 p.m.; duly seconded by John K. Brewer. Motion carried 5-0.

## **GRAYSON COUNTY BOARD OF SUPERVISORS 2013 RULES OF PROCEDURE**

Be it resolved that the Grayson County Board of Supervisors does hereby accept and adopt these Rules of Procedure in order to better facilitate its powers and duties in accordance with the provisions of Title 15.2, Code of Virginia of 1950, as amended.

### **ARTICLE I - TITLE**

- 1.1 The official title of this board shall be the Grayson County Board of Supervisors.

### **ARTICLE II - MEMBERS**

- 2.1 The Grayson County Board of Supervisors shall consist of five (5) members, one elected from each of the four election districts and one elected at-large. The terms of office for all Supervisors shall be four (4) years.

### **ARTICLE III – OFFICERS AND MEMBERS**

- 3.1 Chair and Vice Chair. A Chair and a Vice Chair of the Board shall be elected from its members at the first meeting of each calendar year. The Chair shall preside over all meetings and the Vice Chair shall preside in the absence of the Chair.
- 3.2 Term of Office. The Chair and Vice Chair shall be elected for a one-year term. Either, or both, may be re-elected for one or more additional one-year terms.
- 3.3 Clerk and Deputy Clerk. In compliance with the Code of Virginia, 1950, as amended, the County Administrator shall serve as Clerk of the Governing Body. His/her duties shall be those set forth in the Code of Virginia, 1950 as amended, and by Resolution of the Board as adopted from time to time. The Deputy Clerk shall serve the Governing Body in the absence of the Clerk and shall be appointed by the Board at the first meeting of each calendar year.
- 3.4 Code of Conduct and Code of Ethics. Each Member of the Board, the Clerk and Deputy Clerk shall sign and date with each adoption of these Rules of Procedures, a Code of Conduct and Code of Ethics. A knowing violation of these Codes may result in an annulment to an office, board, authority, commission and/or committee if deemed appropriate by a majority vote of the Board.

### **ARTICLE IV – MEETINGS**

- 4.1 Annual Meeting. The first meeting held after the newly elected members of the Board has qualified,
- And the first meeting held of each succeeding year shall be known as the annual meeting. At said annual meeting, the Board shall establish the days, times, and places for the regular meeting(s) of the Board for the ensuing twelve months and the times and places for Public Hearings.
- 4.2 Regular Meetings. The Board shall meet in regular session on the second Thursday of each month. If the regular meeting of the Board is unable to occur because of inclement weather conditions or other extenuating circumstances which make it hazardous for members to attend, the Board will meet in regular session on the Tuesday following the second Thursday to conduct its business, including public hearings, without further advertisement. The Board may subsequently establish different days, times, or places for such regular meetings by passing a resolution to that effect. However, when the day established as a regular meeting day falls on a legal holiday, the meeting shall be held on Tuesday following the second Thursday, without action of any kind by the Board.
- 4.3 Special Meetings. A special meeting of the Board shall be called either by the Chair or at the request of two or more members pursuant to the Code of Virginia 1950, as amended. Upon receipt of the request, the Clerk shall immediately notify each member of the Board and the County Attorney to attend the special meeting at the given time and place and for the given purpose. Such notice shall be given at least three days before the date of the special meeting. No matters other than those specified in the notice shall be considered at such meetings unless all members are present and agree to such action by unanimous vote.
- 4.4 Notices to Public. The Clerk or his/her designee shall notify the general news media of the time and place of all meetings, and the matters to be considered.
- 4.5 Public Hearings. Public hearings shall be held at 7:00 p.m. after proper public notice has been given pursuant to the Code of Virginia, 1950, as amended.
- 4.6 Recessed Meetings. Any regular or special meeting may be recessed by a majority of the members of the Board present to a date and time prior to the next regular meeting.
- 4.7 Place of Meetings. All meetings shall be held in the Boardroom of the Grayson County Courthouse in Independence, Virginia, unless a different meeting place has been established and notice published as required by the Code of Virginia, 1950, as amended.
- 4.8 Open Meetings. All meetings shall be open to the public, provided that the Board may, for purposes provided for in the Virginia Freedom of Information Act, upon motion made, seconded, and duly adopted, meet in closed session. No resolution, ordinance, rule, contract, regulation, or motion adopted, passed or agreed to in closed session shall become effective unless following such meeting the Board reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion.

## ARTICLE V - QUORUM AND ACTIONS

- 5.1 Quorum. A majority of all the members of the Board shall constitute a quorum. The Chair shall be included and counted in determining the presence or absence of a quorum.

5.2 Required Absence. No action shall be taken by the Board unless there shall be present at least a

quorum, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted to the Board. The Clerk shall suggest the absence of quorum prior to the taking of any action by the Board. Failure of the Clerk, or any member of the Board, to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

5.3 Action of the Board. Action of the Board shall be taken in one of the following ways:

1. Ordinances. Where required by law, action shall be by the adoption of ordinances. Ordinances shall be proposed for adoption, notice given, and adoption accomplished as provided for by general law.
2. Resolutions. Where it is not required by law or desired by the Board to act by the adoption of an ordinance, action may be taken by the adoption of a resolution. Resolutions shall be proposed in writing and a copy shall be delivered to the Clerk and all members of the Board prior to the proposing of adoption.
3. Contracts. In certain instances action may be required by contract. Contracts shall be proposed in writing; and a copy shall be delivered to the Clerk and all members of the Board prior to the proposing of adoption.
4. Motions. Where action of the Board is required on a matter simply stated, action may be taken by oral motion.

5.4 Voting. Votes shall be taken on all motions made and seconded (*Refer to Section 7.11 for Exceptions*). Votes shall not be tendered nor shall a motion be in order to call the question until every member of the Board has had an opportunity to speak to the underlying motion.

5.5 Roll Call Vote. A roll call vote shall be taken at the request of any member when such a request is made prior to the taking up of any other business. A roll call vote shall be taken on the final vote on any ordinance, resolution, or contract.

5.6 Restating the Question. The Chair shall restate the question prior to the taking of a vote, provided, however, that he/she may request that another member restate the question if, in his/her opinion, that will expedite the decision thereof.

5.7 Unanimous Consent. Where no formal action is required, and no objection is heard, a request of a member shall be deemed a request of the Board without further action, when such request is made at a meeting with a quorum present, and the Chair states that such a request shall be deemed a request of the Board.

5.8 Tie Votes. When a tie vote occurs, the question shall be passed by until the next meeting, regular or special, at which time it must be put to a vote again. If the tie remains unbroken, the question is defeated and the Clerk will record it as defeated.

- 5.9 Reconsideration. An action may be reconsidered only upon a motion of a member voting with the prevailing side on the original vote. A motion to reconsider may be made by a member voting on the losing side of the original vote after a 6-month period has elapsed. A motion to reconsider may be seconded by any member. A motion for reconsideration will be acted on only after following notice of not less than required by law.

## ARTICLE VI - ORDER OF BUSINESS

- 6.1 Commencement of Meeting. At 6:30 PM, Eastern Standard Time, and at the specified hour for adjourned or special meetings, the presiding officer shall call the meeting to order, provide for the invocation, and direct the Clerk to note the presence or absence of members. A quorum shall be required to commence the meeting at the appointed hour.
- 6.2 Agenda. The Chair, with the Clerk, shall prepare an agenda for each meeting. Any member having matters he/she desires to have considered at the next meeting shall submit them to the Clerk for inclusion in the agenda.
- 6.3 Public Comments. There shall be an agenda item known as Public Comments to allow citizens time to address the Board regarding any matter that is not an agenda item and over which the Board has influence. This period should not be used to request specific Board action at that meeting. The speaker shall state their full name, place of residency and the subject in which they will speak. The speaker shall be subject to a time limitation of three minutes per citizen or five minutes for a group representative. No speaker shall be permitted to yield time to another speaker. Each speaker is allowed only one appearance under this agenda item per meeting. There shall be no comment during Public Comment on a matter for which a public hearing is scheduled during the same meeting. Public Comment shall not serve as a forum for debate with the Board. Public Comment, as an agenda item, is not a requirement of the Commonwealth and is a privilege granted at the discretion of the Board. Citizens wishing to insure an opportunity to speak during the Public Comment period must register with the Office of the Grayson County Administrator at least seven (7) days prior to the meeting at which they wish to speak to allow for proper inclusion on the Agenda.
- 6.4 Supervisors' Time. The Chair shall provide in each regular meeting's agenda, a period during which each Board member shall be entitled to time for such purposes as each member may deem appropriate subject to such time limitation as the Chair may impose. Matters not included on the agenda and not disposed of during each members' unrestricted time, shall be taken up only if the presiding officer determines that:
1. They are emergency in nature; or
  2. They involve persons present who would not be present at a subsequent meeting; or
  3. By the unanimous consent of the members present.
- 6.5 County Administrator's Report. Insofar as it is possible, the County Administrator Reports shall be scheduled in the period from 5:30 pm to 7:00 pm. *\*\*Changed to 7:15 p.m. to 8:15 p.m.*

- 6.6 Administrative and Informational Matters. Administrative and Informational Matters shall not be placed on the agenda, or considered by the Board until the interested member has ascertained from the County Administrator that all administrative actions have been taken, or following a request for action until an unreasonable time has elapsed and insufficient administrative action has been taken. Matters having to do with actions or failures to act by the Administrative Staff shall not be placed on the agenda or considered by the Board until the County Administrator shall have been given a reasonable opportunity to furnish the interested member or members with an explanatory statement.
- 6.7 Orders on Agenda. The Chair, in consultation with the Clerk, shall establish the order of the agenda, taking into account the need for staff or other presentations, and probable public interest, in order to maximize convenience to the public and minimize adverse impact on performance of normal staff functions, insofar as it is practicable.
- 6.8 Preparation of Agenda. Except where emergency circumstances require otherwise, every item to be placed on the Agenda shall be received in the Office of the County Administrator by no later than noon on the Wednesday prior to the week of any regular meeting of the Board.
- 6.9 Delivery of the Agenda. Each member of the Board and the County Attorney, if at all possible, shall receive the Agenda on or before the Monday before any regularly scheduled meeting.
- 6.10 Minutes. The Clerk shall keep the minutes of the meetings of the Board. At the request of any member, made at the time of said presentation of discussion, the minutes shall include a summary of the substance of the presentation or debate. The Clerk shall maintain for one year an electronic recording of the proceedings of all Board meetings except the Executive Sessions. A copy of the minutes of the transcribed proceedings shall be kept on file in minute record books in the Circuit Clerk's vault for use by the general public. Citizens may purchase copies.
- 6.11 Approval of Minutes. The Clerk shall promptly transcribe the minutes following completion of the meeting and shall submit copies for distribution with the following month's Meeting Agenda, at which their approval will be on such Agenda. Approval of the minutes shall be the first item on each Agenda, following the roll call, and shall be approved, or corrected and approved without reading.
- 6.12 Agency Matters. Agencies, which are not under the administrative supervision of the County administrator, shall not be placed on the agenda or considered by the Board until the affected agency shall have been given a reasonable opportunity to furnish the interested members of the Board with background information or data. Any department of the County government, agency, or organization who wishes to submit a request for funds that have not been budgeted will submit their request at a regular meeting. The request will not be considered at the same meeting it is presented. The request will be placed on the agenda to be considered by the Board at a future meeting.

## ARTICLE VII - ORDER IN THE CONDUCT OF BUSINESS

- 7.1 Persons Addressing the Board. These persons shall limit their presentation to the time allotted by

the Chair on the agenda, unless the Board by unanimous consent, shall extend such time. The Chair, in fixing such time, shall take into account the complexity of the matter, its importance in relation to other business of the Board, and time available on the meeting date sought. Insofar as is practicable, persons addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

- 7.2 Public Hearings. Citizens wishing to provide comment during a scheduled public hearing shall be subject to a time limitation of three minutes or five minutes for a group representative and all other stipulations of Section 6.3 of these Rules. No speaker shall be permitted to yield time to another speaker. Public hearings shall not serve as a forum for debate with the Board. Each speaker shall be allowed only one appearance at each public hearing.
- 7.3 Recognition. Shall be given only by the presiding officer. No person shall address the Board without having first been recognized. When all public testimony has concluded, and the Board is representative and discussing the matter, no person shall thereafter be recognized to address the Board.
- 7.4 Cumulative or Repetitive Testimony. Shall not be permitted on any matter, and persons of the same position, as a previous speaker shall state their name and the position with which they agree.
- 7.5 Questions. By Board members, shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process, and duplicating ground the speaker may cover.
- 7.6 Oaths and Affirmations. May be administered and taken by the Chair or person presiding in his/her stead, when a majority of the Board deems it appropriate to take sworn testimony. The Chair may place an individual under oath at any time before or during his/her presentation. Any such person shall be deemed to remain under oath as to the matter with respect to which he/she was sworn, for the remainder of the duration of the meeting.
- 7.7 Discussions and Debate by the Board. Shall be conducted following the presentation of testimony on the item of business pending, in which each member of the Board shall have the opportunity to speak to the matter. After the Board shall have acted, any member shall have the right to state a protest against the action, and his/her reasons therefore.
- 7.8 Decisions on Points of Order. The Chair, when presiding at a meeting of the Board, without vacating the chair, may give his/her reasons for any decision made by him/her on any point of order and such decision shall be made without debate.
- 7.9 Points of Order and Appeal to Board. Any member of the Board may appeal to the Board from the decision of the Chair on any question of order, a majority vote of those present being necessary to over-rule the Chair.
- 7.10 The Chair may, as he/she sees necessary or at the request of a member of the Board, call a brief recess. In the case of an identified emergency, the Chair may adjourn the meeting subject to appeal upon motion of any Board member.

- 7.11 Motion to Adjourn. At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.
- 7.12 Motions While a Question is Under Debate. When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or to postpone the previous question, for a substitute motion to be laid on the table or to adjourn. When there is an objection to consideration of a dilatory motion, the disposition of the motion shall require a majority vote of the Board and the underlying motion shall not be considered for the duration of the meeting.
- 7.13 Voting on Appointments to Office. Every appointment by the Board shall be by oral vote and recorded by name in the minutes of the Board.

#### ARTICLE VIII - DECORUM

- 8.1 Of Board Members. Shall be maintained in order to expediate disposition of the public's business before the Board. Questions, and remarks, shall be limited to only those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of such business. Members shall address all remarks to the Chair as the presiding officer.
- 8.2 Of Other Person. Shall be maintained by the Chair, who may request such assistance as to him/her appears necessary and may request the Sheriff or one of his/her deputies to attend meetings to preserve order. Persons addressing the Board shall limit their remarks to those relevant to the pending items. No persons in attendance shall be allowed to voice remarks except as recognized by the presiding officer after audibly stating their full name, place of residency and whom they represent. Groups in the audience creating an atmosphere detrimental or disturbing the conduct of the meeting will be asked to leave by the presiding officer. No person shall bring into the Board Room any sign, banner, or other such item; provided, that models, photos, maps, charts, drawings, and other such demonstrative materials intended for use in a presentation by a specific person shall be permitted. The Chair may order an expulsion of any citizen from the premises that he/she deems disorderly, subject to appeal to the full Board, for the safety and protection of the Board and its citizens, and to maintain proper decorum.

#### ARTICLE IX - MISCELLANEOUS

- 9.1 Roberts Rules of Order. Newly revised Roberts Rules of Order shall govern the conduct of all meetings of the Board to the extent that they are not inconsistent with these rules and the laws of the Commonwealth of Virginia.
- 9.2 Amendment of the Rules. May be accomplished by a majority vote of the entire membership, provided that such amendment may not be voted upon at any meeting unless the text of the proposed amendment has been presented to at least one previous meeting at which the date for a vote has also been established. Any proposed amendment shall be subject to further amendment at the meeting at which the vote is taken.
- 9.3 Suspension of the Rules. May occur whenever the Board shall by a majority vote to adopt a



motion to suspend the rules. In such event, the rules shall be deemed suspended only with respect to the specific matter or question not then in accord with the rules.

IN RE: ADJOURN

Kenneth R. Belton made the motion to adjourn until the regular meeting that will be held on January 10<sup>th</sup>, 2013; duly seconded by Brenda Sutherland. Motion carried 5-0.